

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**CLAIM AMENDMENTS**

New claim 17 has been added based on the subject matter of (now canceled) claim 1, as well as to further clarify the operation of the present invention.

New claim 18 has been added based on the subject matter of (now canceled) claims 2 and 3, as well as to further clarify the operation of the present invention.

And new claim 19 has been added based on the subject matter of (now canceled) claims 8 and 9, as well as to further clarify the operation of the present invention.

No new matter has been added, and it is respectfully requested that new claims 17-19 be approved and entered.

**THE PRIOR ART REJECTION**

Claims 1-9 were rejected under 35 USC 103 as being obvious in view of various combinations US 2002/0021262 ("Ejima et al"), USP 4,858,031 ("Fukuta"), US 2002/0057351 ("Suzuki et al"), and USP 6,774,939 ("Peng"). These rejections, however, are respectfully traversed with respect to new claims 17-19 set forth hereinabove.

According to the present invention as recited in new independent claim 17, the control means of the data recording and reproducing apparatus is provided for switching a display of the display means when the audio data is being reproduced by the audio data reproducing means such that the image data associated with the audio data is displayed for a predetermined time upon reproducing the audio data, and such that character data representing at least an elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced.

With this structure of the present invention, the image associated with the audio data can be used to confirm the identity of the speaker, and after the image has been displayed for a predetermined period of time to identify the speaker, information on a reproduction status of the audio data is displayed for a remaining time that the audio data is reproduced.

It is respectfully submitted that none of the prior art of record discloses switching after a predetermined time from displaying image data associated with reproduced audio data to displaying character data representing at least an elapsed reproduction time of the audio data for a remaining time that the audio data is reproduced, as according to the present invention as recited in new independent claim 17.

The Examiner asserts on page 3 of the Office Action that Fig. 9 of Ejima et al shows displaying data representing a reproduction status of audio data and image data associated with audio data being reproduced.

It is respectfully pointed out, however, that Fig. 9 of Ejima et al shows a list of data sets, not data and an image corresponding to audio data actually being reproduced (i.e., during reproduction). That is, Fig. 9 of Ejima et al shows image data (where applicable), recording times, and audio recording durations for a plurality of data sets that are not being reproduced. See paragraph [0075] of Ejima et al. And it is respectfully pointed out that according to Ejima et al, when a data set is reproduced, the image data is displayed while the associated audio data is being reproduced. See, for example, the abstract of Ejima et al. Accordingly, it is respectfully submitted that Ejima et al does not disclose, teach or suggest switching a display to display image data associated with the reproduced audio data for a predetermined length of time, and then displaying information on a reproduction status of the audio data for a remaining time that the audio data is reproduced, as according to the present invention as recited in new independent claim 17.

The Examiner acknowledges on page 2 of the Office Action that Ejima et al does not disclose displaying character data

representing at least an elapsed reproduction time of the audio data being reproduced in the manner formerly recited in (now canceled) claim 1, as now recited in new independent claim 17. For this reason, the Examiner has cited Fukuta to supply the missing teachings of Ejima et al.

According to Fukuta, however, during reproduction of audio data, the elapsed reproduction time of the audio data is always indicated. Accordingly, it is respectfully submitted that Fukuta also does not disclose, teach or suggest switching a display between image data associated with audio data being reproduced and the elapsed reproduction time of the audio data in the manner of the present invention as recited in new independent claim 17.

The Examiner has also asserted that Peng discloses displaying information relating to reproduction status of audio data after displaying image data for a predetermined period of time. In particular, the Examiner refers to column 14, lines 34-44 and Fig. 11 of Peng. It is respectfully pointed out, however, that Peng discloses, sequentially displaying images while an audio file is reproduced, and according to Peng, "[t]he display of the images 814 continues until playback of the audio file 310 ends." That is, Peng discloses sequentially displaying images until an audio file is done playing. Therefore, it is respectfully submitted that Peng clearly does not disclose, teach or suggest switching between displaying an image for a

predetermined period of time to displaying character data representing at least an elapsed reproduction time of the audio data being reproduced as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced, as according to the present invention as recited in new independent claim 17.

On page 7 of the Office Action, the Examiner acknowledges that Suzuki et al does not disclose displaying character data representing at least an elapsed reproduction time of the audio data being reproduced. Accordingly, it is respectfully submitted that Suzuki et al also does not disclose, teach or suggest the features of the present invention as recited in new independent claim 17.

In view of the foregoing, it is respectfully submitted that new independent claim 17 clearly patentably distinguishes over all of the prior art of record, taken singly or in any combination.

According to new independent claim 18, moreover, the data recording and reproducing apparatus includes control means for: (i) controlling the display means such that when the audio data is being reproduced by the audio data reproducing means and when it is determined by the determining means that there is no image data associated with the audio data in the memory, character data representing at least an elapsed reproduction time of the audio

data being reproduced is displayed by the display means as information on a reproduction status of the audio data, and (ii) switching a display by the display means such that when the audio data is being reproduced by the audio data reproducing means and when it is determined that there is image data associated with the audio data in the memory, the image data associated with the audio data is displayed for a predetermined time upon reproducing the audio data and the character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced.

Thus, with the structure recited in claim 18, only if there is image data associated with audio data is switching performed from displaying the image data associated with the audio data for a predetermined period of time (from the start of the audio data) to displaying character data representing at least the elapsed reproduction time of the audio data being reproduced as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced.

With this structure of the present invention, if image data is available, the image associated with the audio data can be used to confirm the identity of the speaker, and after the image has been displayed for a predetermined period of time to identify

the speaker, information on a reproduction status of the audio data is displayed for a remaining time that the audio data is reproduced.

In a similar manner to claim 17, it is respectfully submitted that the cited references also do not disclose, teach or suggest the features of the present invention as recited in new independent claim 18.

Still further, according to new independent claim 19, a memory stores audio data and at least one piece of image data associated with the audio data, wherein each piece of image data is associated with a specific elapsed recording time of the audio data. As recited in new independent claim 19, the apparatus includes control means for switching the display of the display means such that when it is determined that a piece of image data is associated with the elapsed reproduction time, the piece of image data associated with the elapsed reproduction time of the audio data is displayed for a predetermined time, and such that character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data while no piece of image data is displayed while the audio data is being reproduced.

With the structure of the present invention as recited in claim 19, even if there are several speakers, it is possible to

visually confirm the speakers while listening to the audio data because images of the speakers are associated with respective recording times of the audio data. And after an image is displayed to for a predetermined period of time to identify a speaker, the information on a reproduction status of the audio data while no piece of image data is displayed while the audio data is being reproduced

As explained hereinabove with respect to claim 17, it is respectfully submitted that none of the cited references disclose switching between displaying image data and displaying character data representing at least the elapsed reproduction time of the audio data being reproduced.

In view of the foregoing, it is respectfully submitted that the present invention as recited in each of new independent claims 17-19 clearly patentably distinguishes over all of the cited references, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

\* \* \* \* \*

Entry of this Amendment and the passing of this application to issue are respectfully solicited.



If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue - 16<sup>th</sup> Floor  
New York, NY 10001-7708  
Tel. No. (212) 319-4900  
DH:iv:wc